IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.231 OF 2007

Prashant Yeshwant Waghmare ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Ashwin Shete, Adv. for the Applicant.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 4th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.224 of 2006 of Pimpri Police Station, Pune. The said case is under Section 306, 498-A of IPC.

3. The applicant was married to deceased Rakhi. The complainant has stated that seven months after the marriage, the applicant and Rakhi, who was sister of the complainant came to his house. At that time applicant asked him for Rs.50,000/-. However, the complainant could not

fulfil the said demand. Thereafter, a demand was made for Rs.25,000/- to buy a motorcycle for the applicant. As the demand was not met, the applicant threatened Rakhi that he would pour kerosene on her and set her on fire. On 13.7.2004 the applicant assaulted Rakhi and threw her out of the house. Rakhi came to the house of the complainant and she lodged complaint i.e. C.R.No.273 of 2004 against the applicant at Nigdi Police Station, Pune. The said case was under Section 498-A, 324, 504, 506 r/w. 34 of IPC. Thereafter, in March/April, 2006 there was settlement between the parties. The applicant and his mother sent a letter that they would not harass Rakhi. Pursuant to that the applicant executed an agreement dated 20th May, 2006 that he would not ill-treat or harass deceased Rakhi. Thereafter, Rakhi was sent back to the house of this applicant. After Rakhi was sent back to the house of the applicant she contacted the complainant on telephone and informed him that there was no change in the conduct of the accused. On 18.6.2006 Rakhi and the applicant came to the house of the complainant. Rakhi wanted to stay at the house of the complainant, however, applicant

did not allow her to do so and both of them returned back.

4. On 19.6.2006 the Police informed the complainant on telephone that Rakhi is serious and she is admitted in hospital. On the complainant reaching the hospital, he was informed that Rakhi committed suicide by hanging herself from the ceiling fan. It is pertinent to note that even though Rakhi was found to be hanging from the fan, the applicant did not inform the complainant or any of other relatives of the complainant. The applicant kept quiet and it was the Police who infact informed the complainant about the incident. At the relevant time, no one else was present in the house except the applicant and Rakhi. Prior to the incident there is history of demand as well as harassment. Looking to all these facts, I am not inclined to grant bail to the applicant.

5. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)